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4 Attorneys for Defendants, COUNTY OF LOS ANGELES;
5 KAREN LA; SANDRA CHAVEZ;
WENDY CONTRERAS; JULIET MACIAS;
6 LINDA FLORES; VERONICA BETANCOURT-PEREZ;
ARNESHA ALLEN; BERNADETTE HENLEY
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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 SUSAN SCHOFIELD, an individual,) Case No.: 2:22-CV-04332-JGB (AS)
12)
13 Plaintiffs,) CASE MANAGEMENT REPORT BY
14 vs.) COUNTY DEFENDANTS
15)
16 COUNTY OF LOS ANGELES, et al.)
17)
18 Defendants.)
19)
20)
21)
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25)

COMES NOW, Defendants, COUNTY OF LOS ANGELES, and its
employee social workers, KAREN LA, SANDRA CHAVEZ, WENDY
CONTRERAS, JULIET MACIAS, LINDA FLORES, VERONICA
BETANCOURT-PEREZ, ARNESHA ALLEN, and BERNADETTE HENLEY,
(hereinafter "County Defendants") submits the following case management report.

Case Management Report

1 **A. DESCRIPTION OF FACTUAL AND LEGAL ISSUES.**

2
3 Plaintiff Susan Schofield is the sole plaintiff in this case alleging Civil
4 Rights Violations (42 USC §1983 & Monell), Civil Code §52.1 and Declaratory
5 Relief, arising out of a suspected child abuse investigation resulting in the filing of
6 a dependency action and the removal of plaintiff's minor children J.S. and B.S.
7
8 Plaintiff alleges the children were removed on March 8, 2019, and alleges they
9 have "serious, complex and confounding mental developmental and behavioral
10 problems" in her complaint. The dependency case is ongoing. Plaintiff alleges
11 she filed a Government Tort Claim but the County has no record of it. Plaintiff
12 seeks general and special damages, punitive damages, "corrective action", and
13 injunctive relief.
14

15 The legal issues pertain to the propriety of the removal of plaintiff's children
16 and whether the County defendants violated plaintiff's civil rights and were
17 deliberately indifferent. Plaintiff also has a Monell in which she must prove that
18 the County's policies and procedures were the driving force behind any alleged
19 constitutional violations. The County defendants have filed an Answer asserting
20 denials of the allegations as well as qualified immunity on behalf of the
21 individually named defendants. There is also the question of whether this
22 Honorable Court should abstain while the dependency action is pending.
23
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B. DISCOVERY PLAN

1 The parties must file a WIC 827 petition with the Juvenile Court to obtain
2 key juvenile court / DCFS records. A Petition under Welfare & Institutions Code
3 Section 287 is needed for access / use of dependency court & DCFS records in this
4 lawsuit.
5

6 Concurrent with the filing of this report, County Defendants will be filing
7 with the Juvenile Court, a Petition for Disclosure pursuant to California Welfare &
8 Institutions Code, Section 827, to obtain and utilize the Department of Children &
9 Family Services (DCFS) records regarding the subject child abuse investigations
10 and dependency case files, out of which this lawsuit arises.
11

12 The Juvenile Court is the gatekeeper for the protection and utilization of
13 juvenile case file materials outside of the dependency court system, including files
14 of the DCFS. Until the Juvenile Court releases these documents, the parties are
15 limited in terms of discovery, because most, if not all, of the issues in this lawsuit
16 pertain to the actions of the DCFS and the allegations of misconduct against the
17 social workers while conducting their dependency investigations.
18
19

20 Current 827 Petition Procedure: Once the petition is filed, the dependency
21 court requests the documents from the Department of Children & Family Services.
22 Once that court reviews the petition and the documents, certain records may be
23 redacted per orders by the dependency court. These records would include
24
25

1 suspected child abuse reports, investigative materials, case activity logs, and court
2 documents.

3
4 Upon receipt of the order from the dependency court and the release of these
5 documents, the defense will prepare a protective order to limit use of the
6 documents within the confines of this lawsuit. Afterwards, both sides may
7 exchange documents, and conduct written and oral discovery in this regard. The
8 petition process is estimated to take approximately six months from the time of the
9 filing of the petition.
10

11 Due to the need for the petition process to be completed, the parties cannot
12 begin discovery in earnest until the order and records are obtained from the
13 juvenile court.

14 Once discovery commences, the County Defendants will depose the plaintiff
15 and all necessary witnesses, and seek pertinent school and medical records of the
16 children, and any other records identified by plaintiff in response to written
17 discovery.

18 Defendants have provided the plaintiff with the last known address of social
19 worker Judy Thomas. The defense has endeavored to locate Ms. Thomas as well.
20 If the defense locates her, we will request she allow us to accept service on her
21 behalf. We have communicated this to the plaintiff.

22 **C. ANTICIPATED MOTIONS.**

23
24 The County defendants anticipate making a motion for summary judgment
25 based on the merits as well as qualified immunity on behalf of the County and all
employees sued in this matter.

1 **D. ANTICIPATED WITNESSES**

2 Anticipated witnesses include all parties to this action, as well as Mrs.
3 Schofield's ex husband and current husband, her children, treating clinicians and
4 physicians, and other witnesses to be identified in discovery.

5 **E. TRIAL ESTIMATE**

6 County Defendants anticipate a lengthy trial if they are unsuccessful in their
7 motion for summary judgment, simply due to the number of defendants named in
8 the matter and the complexities of the dependency case. Currently we estimate this
9 to be 10 to 14 days.

10 **F. SETTLEMENT POTENTIAL**

11 This is unknown at present. Defendants believe they will prevail in a
12 summary judgment motion. However, any demands for settlement made by
13 plaintiff will be communicated to the County.

14 **G. OTHER INFORMATION.**

15 As noted herein, the underlying dependency court records are statutorily
16 protected from disclosure and the parties must petition the dependency court for
17 said records, in order to have them released for use in this case. That process can
18 take approximately six months.

19 DATED: October 25, 2022

MONROY, AVERBUCK & GYSLER

21 Jennifer E. Gysler.

22 JON F. MONROY

JENNIFER E. GYSLER

Attorneys for County Defendants

BERNADETTE HENLEY

PROOF OF SERVICE
STATE OF CALIFORNIA – COUNTY OF LOS ANGELES
CCP 1013(A)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is 200 Lindero Canyon Road, Suite 204, Westlake Village, CA 91362.

On October 25, 2022, I caused to be served the foregoing document described as on the interested parties in this action as follows:

CASE MANAGEMENT REPORT BY COUNTY DEFENDANTS

☐ **By telecopier:** By transmitting an accurate copy via telecopy to the person and telephone number as follows:

☒ by placing ☐ the original ☐ a true copy thereof enclosed in sealed envelopes addressed as follows:

Susan Schofield
25001 Magic Mountain Pkwy, #620
Valencia, CA 91355

Nemecek & Cole per ECF System

☒ per ECF System

☒ **BY MAIL:**

☐ I deposited such envelope in the mail at Westlake Village, California. The envelope was mailed with postage thereon fully prepaid.

☒ As follows: I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under the practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Westlake Village, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand, to addressee or offices of addressee.

☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on October 25, 2022, at Westlake Village, California.

Jennifer Gysler

Jennifer Gysler